

UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

IN RE:
HECTOR R SANCHEZ LEON

CASE NO. 10-02648-BKT

CHAPTER 13

DEBTOR (S)

**TRUSTEE'S UNFAVORABLE REPORT
ON PROPOSED PLAN CONFIRMATION UNDER §1325**

TO THE HONORABLE COURT: NOW COMES, José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

This is the Trustee's position regarding the request, under **11 U.S.C. §1325**, for the confirmation of a Chapter 13 Plan.

Debtor(s)' Income: **Above Median / 60 months commitment period.**

Gen Unsecured Pool: **\$0.00**

The **LIQUIDATION VALUE** of the estate has been determined in **\$12,170.00**

R2016 STM. \$3,000.00

TOTAL ATTORNEYS FEES THRU PLAN: \$2,674.00 Fees paid: \$0.00 Fees Outstanding: \$2,674.00
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With respect to the proposed (amended) Plan dated: **April 05, 2010** (Dkt 10).

Plan Base: **33,000.00**

The proposed (amended) plan can not be confirmed because it has the following deficiencies:

- Petition Not filed in GOOD FAITH. [§1325(a)(7)]

Debtor pretends paying for his 23-year old son's vehicle loan (\$322.00), and university expenses (\$450.00) for a total amount of \$772.00 each month withdrawn from creditors' payoff. As the plan is right now, it is insufficiently funded to pay even priority claims. There is no compelling reason why in this case, Debtor should be allowed to have creditors pay for his son's college education and vehicle. See In re Savage, 311 B.R. 835, 842-43 (1st Cir. B.A.P. 2004).

- Insufficiently Funded to pay 100% of §507 priority claims.[§1322(a)(2)]

- Feasibility [§1325(a)(6)]: Default in payments to Trustee.

Debtor is in arrears of \$1650.00 under the proposed amended plan, equal to 3 monthly installments.

Due to the above described deficiencies in the proposed plan the Trustee Objects to the Confirmation of the same.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(s), and to her/his/their attorney through CM-ECF notification system.

In San Juan, Puerto Rico this September 28, 2010.

/s/ Jose R. Carrion

/s/ Carlos Alsina -Staff Attorney

JOSE R. CARRION
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